

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AFZA ANJUM, JANET TERRANA,  
VERONICA MONAHAN and CAMILLE  
FOREST, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

- against -

**ORDER**

13 CV 0460 (RJD) (RER)

J.C. PENNEY COMPANY, INC.,  
J.C. PENNEY CORPORATION, INC.,

Defendants.

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DEARIE, District Judge.

The Court denies defendants' Rule 12(b)(1) motion to dismiss for lack of subject-matter jurisdiction. (ECF No. 97). The Court denies defendants' Rule 12(b)(6) motion to dismiss for failure to state a claim in part and grants the motion in part, dismissing plaintiff Veronica Monahan's claim for overtime wages under the Fair Labor Standards Act of 1938. (ECF No. 97); See 29 U.S.C. § 207. Leave to amend will be granted in a subsequent order. Finally, the Court denies defendants' motion to strike the putative opt-in plaintiffs. (ECF No. 105). A Memorandum of Decision will follow.

SO ORDERED.

Dated: Brooklyn, New York  
September 30, 2014

/s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge